Remarks/Arguments

The Non-Final Office Action mailed August 22, 205 has been received and carefully considered. Claims 1 - 19 are pending in the application. Claims 14 - 19 have been indicated to be allowable.

Claims 3 and 12 are objected to. Claims 1, 8 - 9 and 13 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Vitikainen et al (U.S. Patent Application No. 2003/0065802, hereinafter "Vitikainen") in view of Madour et al. (U.S. Patent Application No. 2002/0176382, hereinafter "Madour"). Claims 3 - 5 and 10 - 12 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Vitikainen in view of Madour and in further view of Kall et al. (US Patent Application No. 2004/0058692, hereinafter "Kall"). Applicants respectfully traverse the rejections.

Claims 1 - 3, 6 - 9, 11 -14 and 18 - 19 to clarify the invention and spell out acronyms and overcome the objections.

Claim 1, as amended, recites:

> A method for wirelessly downloading a program to a mobile terminal, said method comprising:
> receiving, from a first wireless network, guide information related to programs available for downloading;
> selecting a particular program for downloading in response to the guide information;
> transmitting selection information to the first wireless network;
> detecting the presence of a coverage area of a second wireless network, the second wireless network and the first wireless network having an interworking function therebetween;
> attaching said mobile terminal to the second wireless network and authenticating said mobile terminal to the second wireless network via the first wireless network; and
> receiving the program from the second wireless network in response to the authentication. (emphasis added)

The system and method of Vitikainen dynamically creates a sample of multimedia content for preview by a user of a mobile terminal. The preview generation is based on a first set of parameters associated with the size of the preview sample and a second set of parameters associated with the composition of the preview sample. The generated preview sample is transmitted to the mobile terminal for immediate viewing.

See Abstract. At paragraph 4, Vitikainen discusses WAP, which "bridges the gap between the wireline Internet paradigm and the wireless domain, which allows wireless device users to enjoy the benefits of the Internet across both platforms". That is, there is no interworking function with a second wireless network in Vitikainen. The creation/generation in Vitikainen is effectively a substitute for using a program guide, which is transmitted to a user to aid the user in the decision to download an entire program. At paragraph 19, a preview signal is transmitted "between a specific mobile terminal and a server system that provides multimedia content". This signal is ostensibly provided via a 2G (or better/greater) cellular system (first wireless network) as no second wireless network has been taught or disclosed. Similarly at paragraph 25, the entire program (multimedia content) can be downloaded to the mobile terminal in response to a download signal. Once again the entire program is ostensibly provided via a 2G (or better/greater) cellular system (first wireless network) as no second wireless network has been taught or disclosed. At paragraphs 41 - 43, the preview sample is delivered to the mobile terminal by a mobile network. Since there is only one network described it must be a 2G or 3G cellular network. Nowhere is it taught or disclosed that the gateway/server is a network module having an interworking function or that the gateway/server is part of an interworking function. The manager module (part of the server/gateway) coordinates communication between the server/gateway and the mobile terminal over the 2G (or bettr/greater) single mobile cellular network.

The interworking function (IWF) described by Madour is directed to allowing mobile terminals operating in 2G networks to have access to 3G features, which include higher data rates. The IWF of Madour is located in the second generation cellular network. See Abstract and paragraphs 26 - 33.

In sharp contract, the apparatus and method of the present invention is directed to the use of two wireless networks having an interworking function therebetween, where selection information transmitted to the first wireless network is used to download a program from a second wireless network upon authentication of the mobile terminal (to the second wireless network) via the first wireless network. No further action is required for the mobile terminal to receive "the program from the second wireless network in response to the authentication" beyond being in a coverage area of the second wireless network.

That is, in Vitikainen there is no second wireless network. The generated preview is received by the mobile terminal by the single wireless network. Since there is no second wireless wireless network there is no "detecting the presence of a coverage area of a second wireless network, the second wireless network and the first wireless network having an interworking function therebetween" as is admitted by the Examiner. Nor is there "attaching said mobile terminal to the second wireless network and authenticating said mobile terminal to the second wireless network via the first wireless network". The Examiner asserts that the charges that accrue are a result of authentication but nowhere does Vitikainen teach or disclose attaching to the second wireless network or authenticating at all let alone authenticating the mobile terminal to the second wireless network via the first wireless network. The charges described by Vitikainen must, therefore, be from the single network described by Vitikanen. Furthermore, the mobile terminal of Vitikainen receives the generated preview as well as any downloaded programs via the first (and only) wireless network not "the second wireless network in response to the authentication".

The system and method of Madour fails to correct these deficiencies. Madour describes using two cellular networks permit roaming between second and third generation (cellular) networks in accordance with existing standards and to have access to the Internet or another packet data service. (See paragraph 6). Should a mobile terminal connected to a second generation network (cellular) of Madour desire high speed packet data service, the mobile terminal requests high speed packet data services from the second generation network (cellular) via an origination message (service option 33). The request is forwarded to the base station controller, which forwards the request to the mobile switching center. The mobile switching center, in turn, seizes resources of the interworking function to service the request for high speed data services. The mobile switching center then sends a message to the base station controller including a lower data rate option because the second generation network does NOT support high speed packet data services. (See paragraphs 31 - 38).

That is, the system and method of Madour describe attempted access of high speed packet data services by a mobile terminal operating in a second generation network (cellular). The result is an ability to access data services but at a lower rate because high speed packet data services are not supported by second generation

networks (cellular). Further, there is no description of the selection of content in Madour nor is there any "transmitting selection information to the first wireless network". There is no "detecting the presence of a coverage area of a second wireless network". The mobile station in Madour requests third generation services while operating in the second generation network (cellular). There is no "receiving the program from the second wireless network in response to the authentication". No files/content/programs have even been requested in the system and method of Madour. The description in Madour is only for the request of services.

The Examiner asserts that "it would have been obvious to one of ordinary skill in the art, at the time of the time of the invention, to use the interworking function taught by Madour in order to make the mobile station compatible and facilitate the function of roaming or handoff". The present invention is not directed to roaming ot handoff but rather is directed to the ability of a mobile terminal to transmit program "selection information to the first wireless network" and to receive "the program from the second wireless network in response to the authentication" of the mobile terminal to the second wireless network via the first wireless network.

In conclusion, Vitikainen fails to teach or suggest each and every feature of the present invention. The deficiencies of Vitikainen are not overcome by the teachings of Madour. In fact, to combine Vitikainen with Madour, one would obtain an interworking function between a second generation cellular network and a third generation cellular network, through which slower speed packet data services were negotiated. Upon the negotiations and authentication of the mobile terminal, the mobile terminal could then request previews of content to be generated by a content server. The generated preview could then be received at slow speed by the mobile station. Then the mobile terminal could request the entire content be downloaded, once again at slow speed. There is still no detecting step. The requested content of Vitikainen is NOT received "in response to authentication".

Independent Claim 9 recites features similar to those recited in Claim 1 so the arguments above apply equally to independent Claim 9.

In light of the above remarks, it is respectfully submitted that independent claim 1 is not anticipated and is patentable over the art of record. Claims 2 - 8 depend directly or indirectly from independent Claim 1. It is, therefore, respectfully submitted that

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Claims 2 - 8 are also not anticipated and are patentable over the art of record for at least these reasons as well as additional features contained therein. Similarly, in light of the above remarks, it is respectfully submitted that independent claim 9 is not anticipated and is patentable over the art of record. Claims 10 - 13 depend directly or indirectly from independent Claim 9. It is, therefore, respectfully submitted that Claims 10 - 13 are also not anticipated and are patentable over the art of record for at least these reasons as well as additional features contained therein. Claims 14 - 19 have been indicated to be allowable over the art of record.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6440, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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